THE HON'BLE MS. JUSTICE

G. ROHINI

Thursday, the 06th day of October, 2005

W.P.No. 18227 of 2005

Between:-

K. Raghuramudu

--Petitioner

And

Superintending Engineer, Irrigation, Dhavaleswaram Circle,

East Godavari district and another.

--Respondents.

:ORAL ORDER:

Heard both sides. Perused the material.

This writ petition is filed seeking a declaration that the action of the respondents in leasing out the Raju Kalva Bund situated in Venturu village, East Godavari district for cultivation purpose as arbitrary and illegal and consequently direct the respondents to protect and maintain the bunds of Raju Kalva drainage channel in Ventur village, East Godavari district by leasing out the same only for grass cutting rights to the adjoining ayacutdars of the Venturu village.

On behalf of the respondents, the Deputy Executive Engineer, Drainage Sub-division, Ramachandrapuram, East Godavari filed a counter affidavit dated 22-09-2005 in which it has been stated as

under:

> *"It is submitted that the drain and canal bunds are being leased out for raising and cutting of green grass by the Water Users Associations. The bunds are not leased out for the purpose of cultivation by this department and hence the question of erosion of drain bunds due to cultivation does not arise. There will not be any obstruction to the Ayacutdars to reach their fields or cause apprehension to the adjacent landowners due to raising of green grass or berms and side slopes of bunds. The roots of grass will protect the bunds from soil erosion on side slopes. At present the drain bunds of Venturu Surplus Weir Medium drain are in tact and at standard limits".*

In view of the fact that the respondents in their counter have stated that the drain and canal bunds are being leased out for raising and cutting of green grass by the water Users Associations and that the bunds are not being leased out for the purpose of cultivation, no adjudication, on merits, in this case is necessary.

Accordingly, recording the above statement of the respondents that the canal bund is not being leased out for the purpose of cultivation, the writ petition is disposed of. No costs.

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06-10-2005

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